UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:13-cr-49-CLC-SKL
V.)	
)	
WILLIAM H. SHIRLEY)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Count Two of the eight-count Superseding Indictment; (2) accept Defendant's plea of guilty to the lesser included offense of the charge in Count Two, that is, excavating archaeological resources from public lands without authority, a Class A misdemeanor in violation of Title 16 U.S.C. §§ 470ee(a); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count Two of the Superseding Indictment; (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) Defendant has been released on bond under appropriate conditions of release pending sentencing in this matter (Court File No. 133). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court ACCEPTS and ADOPTS the magistrate judge's report and recommendation (Court File No. 133) pursuant to 28 U.S.C. § 636(b)(1) and ORDERS as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count Two of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser included offense of the charge in Count Two, that is, excavating archaeological resources from public lands without authority, a

Class A misdemeanor in violation of Title 16 U.S.C. §§ 470ee(a), is **ACCEPTED**;

(3) Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count Two, that is, excavating archaeological resources from public lands without authority, a Class A misdemeanor in violation of Title 16 U.S.C. §§ 470ee(a);

(4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(5) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending sentencing in this matter, which is scheduled to take place on **June 11, 2015** at **9:00 a.m.** before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE